

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #9	CCRB Case #: 201600099	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/06/2016 1:31 PM	Location of Incident: Roosevelt Avenue - Jackson Heights subway station	Precinct: 110	18 Mo. SOL 7/6/2017	EO SOL 7/6/2017	
Date/Time CV Reported Wed, 01/06/2016 3:21 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 01/06/2016 3:21 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Dwayne Dawkins	31731	952641	TB DT20
2. POM Jaipaul Ramdat	19651	953290	TB DT20

Officer(s)	Allegation	Investigator Recommendation
A.POM Jaipaul Ramdat	Force: Police Officer Jaipaul Ramdat pointed his gun at § 87(2)(b)	
B.POM Jaipaul Ramdat	Discourtesy: Police Officer Jaipaul Ramdat spoke discourteously to § 87(2)(b)	
C.POM Jaipaul Ramdat	Force: Police Officer Jaipaul Ramdat used physical force against § 87(2)(b)	
D.POM Dwayne Dawkins	Abuse: Police Officer Dwayne Dawkins stopped an individual.	
E.POM Dwayne Dawkins	Abuse: Police Officer Dwayne Dawkins stopped § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On January 6, 2016, § 87(2)(b) an independent complainant-witness, filed this complaint with the CCRB via telephone on behalf of § 87(2)(b) and § 87(2)(b) known only as “§ 87(2)(b)”.

On January 6, 2016, at approximately 1:31 p.m., § 87(2)(b) and § 87(2)(b) were dancing to music and collecting money on a Manhattan-bound (E) train approaching the Roosevelt Avenue – Jackson Heights subway station in Queens without a permit. The train pulled into the station and PO Jaipaul Ramdat of Transit Bureau District 20 boarded the train to apprehend § 87(2)(b) while PO Dwayne Dawkins, also of Transit Bureau District 20, chased after § 87(2)(b) who ran off of the train. § 87(2)(b) exited the station without being pursued by officers. PO Ramdat pointed his gun towards § 87(2)(b) face (**Allegation A**) and ordered him to “get off the fucking train” (**Allegation B**). PO Ramdat grabbed § 87(2)(b) by his collar, pulled him out of his seat and off of the train (**Allegation C**), and told him to, “Get on the fucking ground” (**subsumed in Allegation B**). PO Ramdat allegedly pulled § 87(2)(b) down by his collar in such a manner that he fell to his knees, (**subsumed in Allegation C**), and § 87(2)(b) then brought the rest of his body down to the ground on his own. PO Ramdat told § 87(2)(b) to “Stay on the fucking ground, don’t fucking move,” (**subsumed in Allegation B**). § 87(2)(b) allegedly sustained bruising and swelling to his left wrist because the handle of his backpack was tangled around his wrist as PO Ramdat attempted to handcuff him. PO Ramdat handcuffed § 87(2)(b) and walked him up one flight of stairs to the mezzanine, where PO Dawkins had stopped § 87(2)(b) and requested his identification (**Allegation D**). § 87(2)(b) returned to the mezzanine to retrieve his cell phone from § 87(2)(b). Before saying anything to either officer, PO Dawkins called § 87(2)(b) over and requested his identification (**Allegation E**). Both § 87(2)(b) and § 87(2)(b) were released without summonses. § 87(2)(b) was arrested and charged with § 87(2)(b).

Surveillance footage was obtained from the Roosevelt Avenue – Jackson Heights subway station, but no part of this incident can be seen in the footage.

Mediation, Civil and Criminal Histories

- Due to § 87(2)(b) arrest, this case was deemed ineligible for mediation.
- As of March 3, 2016, no notice of claim was filed by § 87(2)(b) or any other individual in regards to this incident (Board Review 01).

- § 87(2)(b)
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- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) and § 87(2)(b) are named as participants (Board Review 05).
- PO Ramdat has been a member of the NYPD for 3 years and has no prior CCRB allegations (Board Review 06).

- PO Dawkins has been a member of the NYPD for 3 years and has no prior CCRB allegations (Board Review 06).

Potential Issues

- § 87(2)(b) identified a third victim whom he knows only as “§ 87(2)(b)” but he was unable to provide a full name or any contact information for § 87(2)(b) during his CCRB interview. The undersigned left three messages and sent one letter and one e-mail to § 87(2)(b) in an attempt to ask him if he was able to locate any contact information for § 87(2)(b). To date, the undersigned has not heard back from § 87(2)(b). § 87(2)(b) stated that he did not know § 87(2)(b) by name and did not have any contact information for § 87(2)(b). No Stop, Question and Frisk Report was prepared for § 87(2)(b) (Board Review 07), and neither PO Dawkins’ nor PO Ramdat’s memo books (Board Review 08, 09) contain identifying information for § 87(2)(b). PO Ramdat performed warrant checks for § 87(2)(b) and § 87(2)(b) but there is no record of PO Ramdat or PO Dawkins performing warrant checks for any additional individuals (Board Review 10). In light of the above, the investigation was unable to determine the identity of § 87(2)(b) and this case is therefore being closed without a statement from § 87(2)(b).
- Surveillance footage from the Roosevelt Avenue – Jackson Heights subway station was obtained. All of the camera angles depict various entrance and exit points throughout the station, such as turnstiles, emergency exits, and elevator doors. However, none of the angles depict the mezzanine where Allegations D and E occurred, and the angles that depict the platform only show the areas immediately in front of the elevator doors. As such, none of the allegations were captured in the station’s surveillance footage.
- MTA train dispatcher § 87(2)(b) stated that he spoke to the train crews of the Manhattan-bound (E) trains that arrived at Roosevelt Avenue at 1:20 p.m. and 1:29 p.m. and that these crews had no recollection of the incident. § 87(2)(b) stated that he also spoke to the train crew from the (E) train that arrived at Roosevelt Av at 1:38 p.m. and that this crew recalled a police incident. The two MTA employees who were working on this (E) train, conductor § 87(2)(b) and operator § 87(2)(b) were interviewed at the CCRB and recalled there being an incident at the Roosevelt Avenue subway station but did not observe § 87(2)(b) arrest being effected and had no knowledge of any incident occurring on the mezzanine.

Findings and Recommendations

Allegation A – Force: Police Officer Jaipaul Ramdat pointed his gun at § 87(2)(b)

Allegation B – Discourtesy: Police Officer Jaipaul Ramdat spoke discourteously to

§ 87(2)(b)

§ 87(2)(b) stated that as the train approached the Roosevelt Avenue station, he, § 87(2)(b) and § 87(2)(b) stopped dancing, turned their music off, and walked over to the next subway car while the train’s doors were held closed. He and § 87(2)(b) sat down in this car while § 87(2)(b) walked over to the next car. The doors opened and PO Ramdat drew his gun, pointed it towards § 87(2)(b) forehead, and said, “Get off the fucking train.” § 87(2)(b) did not notice PO Ramdat until he boarded the train and did not observe the moment when PO Ramdat drew his gun. Once on the platform, PO Ramdat told § 87(2)(b) to, “Get on the fucking ground,” and, “Stay on the fucking ground, don’t fucking move.” During his telephone statement, § 87(2)(b) stated that he did not recall PO Ramdat’s statements verbatim but noted that PO Ramdat used profanities.

§ 87(2)(b) who has no relation to the victims, boarded the train at the Roosevelt Avenue station. He stated that as he was going to sit down next to § 87(2)(b) PO Ramdat reached towards the back of his belt, drew his gun, and pointed it towards § 87(2)(b) face. § 87(2)(b) did not notice § 87(2)(b) before he boarded the train and stated that § 87(2)(b) was not doing anything besides listening to music. § 87(2)(b) stated that PO Ramdat used profanities and made statements such as, “Get the fuck up,” “Get the fuck off the train,” and, “Get on the ground, motherfucker.”

§ 87(2)(b) stated that PO Ramdat drew his gun as the train doors opened and pointed it towards § 87(2)(b) face, but he did not hear any officer use any profanities.

PO Ramdat stated that he observed § 87(2)(b) and § 87(2)(b) dancing in an adjacent train car as the train was approaching the Roosevelt Avenue station. PO Ramdat ordered the train doors held closed and exited the train using his key. He and PO Dawkins walked over to the train car that the dancers were in and the dancers recognized them as officers, split up, and ran. PO Ramdat identified himself as an officer and ordered § 87(2)(b) to stop twice and § 87(2)(b) ignored his orders. PO Ramdat ran down the platform in pursuit of § 87(2)(b) while § 87(2)(b) ran from car to car. Meanwhile, PO Dawkins pursued the other two dancers. § 87(2)(b) stopped in one of the train cars and sat down. PO Ramdat did not recall what § 87(2)(b) was carrying on his person. PO Ramdat did not observe any bulges on § 87(2)(b) waist or in any of his pockets. When asked whether he had any reason to believe that § 87(2)(b) was armed, PO Ramdat stated that as § 87(2)(b) was running, he was adjusting his waistband and looking back at him, but aside from this, he had no other reasons to believe that § 87(2)(b) was armed. § 87(2)(b) had a backpack, but PO Ramdat had no knowledge of what was in the backpack. § 87(2)(b) did not cause PO Ramdat to fear for his safety. PO Ramdat denied drawing his gun at any point, pointing his gun towards § 87(2)(b) and using profanities towards § 87(2)(b).

PO Dawkins pursued § 87(2)(b) onto the mezzanine and did not observe § 87(2)(b) arrest being effected.

Police Department v. Gliner (OATH Index No. 955/00 – 2000) holds that an officer may point his gun towards § 87(2)(b) if the individual is behaving in a manner which reasonably causes the officer to fear for his safety. Patrol Guide Procedure 203-09 states that officers must be courteous and respectful while on duty. See Board Review 11.

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Allegation C – Force: Police Officer Jaipaul Ramdat used physical force against § 87(2)(b)

§ 87(2)(b) stated that he, § 87(2)(b) and § 87(2)(b) moved to an adjacent train car before the train's doors were opened. While he was seated on the train, the doors opened and PO Ramdat grabbed him by the front of the collar of his shirt, lifted him out of his seat, and pulled him by the collar off of the train and onto the platform. PO Ramdat then ordered him to get on the ground and simultaneously pulled him down to his knees by his collar without giving him a chance to comply on his own. § 87(2)(b) brought the rest of his body down to the ground and then PO Ramdat attempted to handcuff him, but the handle of his backpack was tangled around his left wrist, rendering § 87(2)(b) unable to bring his left arm behind his back and resulting in bruising and swelling to his wrist. § 87(2)(b) treated this bruise himself with ice and an Ace bandage and the bruise was fully healed by the time he was interviewed on February 1, 2016. § 87(2)(b) denied offering physical resistance and stated that he did not notice PO Ramdat until he boarded the train.

§ 87(2)(b)'s statement was generally consistent with § 87(2)(b) but he downplayed the alleged force by stating that PO Ramdat "guided" § 87(2)(b) off of the train and down to the ground.

§ 87(2)(b) stated that § 87(2)(b) stood up and then PO Ramdat pulled him off of the train and attempted to "roughhouse" him by grabbing him by his left arm. § 87(2)(b) did not observe PO Ramdat grab § 87(2)(b) by his collar and was unable to state whether PO Ramdat used any force against § 87(2)(b). § 87(2)(b) fled the scene and did not observe what happened to § 87(2)(b) on the platform. § 87(2)(b) stated that § 87(2)(b) did not offer any physical or verbal resistance and denied that he and § 87(2)(b) moved between train cars.

PO Ramdat stated that after asking the conductor to hold the doors closed, he and PO Dawkins went to the train car that the dancers were in. The dancers, who have had multiple interactions with the officers in the past, recognized them, split up, and ran. PO Ramdat pursued § 87(2)(b) while PO Dawkins pursued the other two dancers. § 87(2)(b) ran between the train cars towards the back of the train and looked back at PO Ramdat, who ran alongside § 87(2)(b) on the platform. PO Ramdat identified himself as an officer and ordered § 87(2)(b) to stop twice and § 87(2)(b) ignored his orders. § 87(2)(b) stopped in one of the train cars and sat down. PO Ramdat gave the conductor a signal to open the doors and boarded the train. PO Ramdat told § 87(2)(b) to get off of the train twice. PO Ramdat initially stated that § 87(2)(b) complied with his orders. However, he later stated that § 87(2)(b) did not exit the train voluntarily and that he had to escort § 87(2)(b) off the train by grabbing his shirt. PO Ramdat grabbed § 87(2)(b) by the front of his shirt while he was still seated and facing him, and removed him from the train. PO Ramdat let go of § 87(2)(b) shirt and told § 87(2)(b) to get on the floor on the platform immediately outside the train car. § 87(2)(b) complied and PO Ramdat guided § 87(2)(b) to the floor by gently placing his hand on his back so he could get on the ground. PO Ramdat did not pull § 87(2)(b) down by his collar in such a manner that he would fall to his knees. § 87(2)(b) placed his backpack on the ground next to him and did not have any items in his hand while he was on the platform. There was no difficulty in handcuffing § 87(2)(b). PO Ramdat did not recall whether § 87(2)(b) backpack was tangled around his wrist as he attempted to handcuff him. § 87(2)(b) did not complain of any injury to his wrist or elsewhere.

PO Ramdat did not observe any injury to § 87(2)(b) wrist. Aside from running away, § 87(2)(b) did not offer any additional physical resistance.

PO Dawkins pursued § 87(2)(b) onto the mezzanine and did not observe § 87(2)(b) arrest being effected.

Patrol Guide Procedure 203-11 (Board Review 11) authorizes an officer to use the minimum amount of physical force necessary in order to effect an arrest.

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Allegation D – Abuse of Authority: Police Officer Dwayne Dawkins stopped

§ 87(2)(b) stated that he, § 87(2)(b) and § 87(2)(b) moved to an adjacent train car before the train's doors were opened. After the doors opened, PO Dawkins pursued § 87(2)(b) and grabbed him by the arm so he would not run away. § 87(2)(b) was not handcuffed. PO Ramdat and PO Dawkins then escorted § 87(2)(b) and § 87(2)(b) upstairs to the mezzanine, where PO Dawkins requested § 87(2)(b) identification. § 87(2)(b) complied and PO Dawkins ran the identification. § 87(2)(b) was released without a summons.

§ 87(2)(b) stated that § 87(2)(b) moved to another train car before the doors were opened, but he and § 87(2)(b) remained in one car. § 87(2)(b) noted that § 87(2)(b) was in handcuffs on the mezzanine. He did not see or hear the officers ask for § 87(2)(b) identification.

§ 87(2)(b) boarded and remained on the train and had no knowledge of what occurred on the mezzanine. § 87(2)(b) appeared to be alone and PO Ramdat was the only officer that § 87(2)(b) noticed.

PO Dawkins observed § 87(2)(b) and two other individuals dancing on the train from an adjacent train car. The train was held in the station and PO Dawkins approached the car that the dancers were in. PO Dawkins stated that a second dancer, § 87(2)(b) made eye contact with him and then ran through the emergency doors from train car to train car while the train's doors were closed. PO Dawkins gave chase and ran alongside § 87(2)(b) on the platform. § 87(2)(b) fled up the stairs and PO Dawkins caught up to him on the mezzanine and apprehended him. PO Dawkins obtained § 87(2)(b) identification, ran his name through his command, and decided not to arrest him because he did not have any warrants.

When asked whether PO Dawkins apprehended any of the other two dancers, (not § 87(2)(b)) PO Ramdat stated that PO Dawkins was with § 87(2)(b) on the mezzanine. PO Ramdat did not recall whether he recognized this individual as one of the dancers. PO Ramdat did not observe PO Dawkins stop this individual; PO Dawkins was already with this individual and walked

towards PO Ramdat. PO Ramdat did not hear PO Dawkins ask this individual for his identification.

An officer may stop and detain an individual if he or she has reasonable suspicion that the individual has committed, is committing, or is about to commit a crime (People v. DeBour, 40 N.Y.2d 210 (1976)). An officer's founded suspicion that an individual is engaged in criminal activity may be escalated into reasonable suspicion to pursue upon the flight of the individual (People v. Williams, 2014 NY Slip Op 06338). See Board Review 11.

§ 87(2)(g)
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[REDACTED]

Allegation E – Abuse of Authority: Police Officer Dwayne Dawkins stopped § 87(2)(b)

§ 87(2)(b) stated that § 87(2)(b) returned to the mezzanine to retrieve his cell phone from him and PO Dawkins requested § 87(2)(b) identification as well. § 87(2)(b) complied and PO Dawkins ran his identification. § 87(2)(b) was released without a summons.

§ 87(2)(b) statement is generally consistent with § 87(2)(b) stated that PO Dawkins called him over while he was standing still on the mezzanine by a flight of stairs and watching the officers. § 87(2)(b) has seen PO Dawkins prior to this incident. Both § 87(2)(b) and § 87(2)(b) admitted to dancing on the train.

§ 87(2)(b) had no knowledge of what occurred on the mezzanine.

PO Dawkins stated that § 87(2)(b) approached him on the mezzanine, stood at the top of a flight of stairs, and observed that the officers had § 87(2)(b) and § 87(2)(b) stopped. PO Dawkins called § 87(2)(b) over and § 87(2)(b) complied. PO Dawkins ran § 87(2)(b) name because he wanted to see if § 87(2)(b) had any warrants. He did not recall whether he asked § 87(2)(b) for his identification. § 87(2)(b) attire prompted PO Dawkins to believe that he was one of the dancers. PO Dawkins did not recall exactly what § 87(2)(b) was wearing, but noted that he was carrying a bag and that dancers typically wear sweatpants and dirty sneakers, are usually sweaty, and usually have book bags or amplifiers with them. § 87(2)(b) or § 87(2)(b) had a sound amplification device in his possession. PO Dawkins noted that he has “dealt with” § 87(2)(b) and § 87(2)(b) before, but also noted that he did not observe § 87(2)(b) dancing and did not suspect § 87(2)(b) of committing any crime. PO Dawkins stated that he “didn’t observe § 87(2)(b) doing anything, so [he] had nothing on § 87(2)(b)”.

PO Ramdat did not observe PO Dawkins stop a third individual on the mezzanine. When presented with a photograph of § 87(2)(b) PO Ramdat stated that he did not recall whether PO Dawkins spoke to § 87(2)(b) on the mezzanine. PO Ramdat did not recall anyone

attempting to retrieve a cell phone from § 87(2)(b) before he was transported to the stationhouse.

An officer may stop and detain an individual if he or she has reasonable suspicion that the individual has committed, is committing, or is about to commit a crime (People v. DeBour, 40 N.Y.2d 210 (1976) – Board Review 11).

§ 87(2)(g)

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§ 87(4-b), § 87(2)(g)

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Squad: 9

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date